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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,104	01/23/2002	Kenneth H. Rosen	1209-2	9643

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Salvatore J. Abbruzzese
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/055,104

Applicant(s)

ROSEN ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☒ This action is **FINAL**: 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12-28-2006 have been fully considered but they are not persuasive.

1. The applicant argues that the prior art does not teach "selective" sending of data. The examiner disagrees. First and foremost, all claims put before the examiner must be given their broadest reasonable interpretation.

Claim 1 merely states:

"..retrieving service information associated with the wireless calling party; wherein the service information includes instructions regarding the selective transfer of the location information; and transmitting the selective location information of said wireless calling party to the called party".

Alperovich clearly teaches sending user location to another person:

"..A telecommunications system, and method for providing a called party with the location of the calling party. When a call is received by a switch serving the calling party, the location of the calling party is determined, which is then transmitted to the called party".

Hence the applicant's broadly written claim does not provide empirical language which sets it apart from Alperovich's teachings – eg. Alperovich teaches at least "selectively" sending the user's location but no other data. The network has other data about this user, eg. their identity, their phone number, etc., but that does not have to be transmitted. Therefore the examiner is not swayed.

The applicant is invited to amend their claim(s) so as to remove terms which can be broadly interpreted (eg. selective) and replace them with technical terms which disclose exacting design details such that these new words restrict the examiner from broad interpretations.

2. The examiner notes that the amendment to claim 40 (eg. received from a code among a string of numbers received from the calling party) is found in the claim limitations of claim 17 and 32.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12 and 44-46 rejected under 35 U.S.C. 102(b) as being anticipated by Alperovich et al. US 6,185,426.

As per **claim 1**, Alperovich teaches a method of transferring selective location information of a wireless calling party to a called party, comprising:

receiving a telephone call at a telecommunications network from the wireless calling party;

retrieving service information associated with the wireless calling party;

wherein the service information includes instructions regarding the selective transfer of the location information; and

transmitting the selective location information of said wireless calling party to the called party (Abstract teaches sending the calling party's location to the called party and figures 1 thru 3 show the network which retrieves information and decides to send the location information) .

As per **claim 12**, Alperovich teaches claim 1, wherein said location information is received with the telephone call from the wireless calling party (Alperovich teaches the calling party's location being sent to the called party, Abstract).

As per **claims 44-46**, Alperovich teaches claim 1, wherein the called party is a wireless/wired phone (Alperovich can support calls to wired, wireless or VoIP PC's, PDA's, etc. – eg. any device that can connect to the switches shown).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 8, 11, 13-19, 22, 25-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich and further in view of Johansson et al. US 6,442,391 and Walsh US 6,662,014 and (Zellner et al. #1 US 6,675,017 or Zellner et al. #2 US 7,085,555).

As per **claims 2 and 41**, Alperovich teaches claim 1, **but is silent on** wherein the service information instructions include preventing disclosing of the location information of the wireless calling party.

The examiner puts forth several different pieces of prior art which teach preventing the location of the calling party from being disclosed:

- a. Johansson teaches location security (abstract)
- b. Walsh teaches a location privacy manager (Abstract)
- c. Zellner #1 or #2 teach two different manners in which location blocking services prohibits the user's location from being transmitted to others (Abstract) -- See patents 7,085,555 or 6,675,017.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that location information is not transmitted, to provide privacy to the calling party.

As per **claim 3**, Alperovich teaches claim 2, **but is silent on** further comprising forwarding the telephone call to the called party without disclosing the location information of the wireless calling party.

Johansson and Walsh and (Zeller #1 or #2) teach not disclosing the location of the wireless calling party (Abstracts).

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that the call is sent without the location, to provide privacy to the calling party.

As per **claims 4-5**, Alperovich teaches claim 3/4, **but is silent on** wherein the location information is replaced with a location blocked message OR wherein the location blocked message is displayed to the called party.

Since Johansson and Walsh and (Zeller #1 or #2) all teach blocking the location, one skilled can provide that functionality in various ways, which would be considered a design choice (eg. send a BLOCKED LOCATION message, Blank out or "X out" the actual location, etc.).

The examiner takes official notice that one skilled can implement this blocking/privacy function in many different ways.

It would have been obvious to one skilled in the art at the time of the invention to modify the combon, such that the location is replaced with a blocked message and displayed, to provide means for the called party to know the calling party wants privacy.

As per **claim 8**, Alperovich teaches claim 1, **but is silent on** wherein the service information includes instructions regarding replacing the location information with an address information.

The examiner takes official notice that it is known in the art that a triangulated (or GPS) location can be converted into an address.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that an address is replaced, to provide means for the

LAT/LONG coordinates to be replaced with a user friendly address which would help in times of emergencies, etc. (eg. if someone is trying to locate the calling party, eg. e911).

As per **claim 11**, Alperovich teaches claim 8, **but is silent on** further comprises forwarding the telephone call to the called party with the address information.

The examiner takes Official Notice that the address would replace LAT/LONG coordinates for more user friendly location determination (eg. during an emergency).

It would have been obvious to one skilled in the art at the time of the invention to modify combon, such that the call is sent with address information, to provide means for the called party to determine the calling party's (user friendly) location, via address.

As per **claims 13-16**, Alperovich teaches claim 1/13/14/15, **but is silent on** wherein the service information instructions includes blocking the transmission of calling number identification of the wireless calling party AND blocking the transmission of calling number identification of the wireless calling party to the called party AND blocking the calling party's name AND blocking the transmission of calling name identification of the wireless calling party to the called party.

Walsh teaches blocking both calling party's identity and location.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that location/identification is blocked, to provide privacy to the calling party.

As per **claims 17, 32 and 40**, Alperovich teaches a method of transferring selective location information of a wireless calling party to a called party, comprising: receiving a string of numbers from the wireless calling party, whereby the string of numbers is inclusive of the called party's telephone number; (see claim 1)

but is silent on

retrieving a code among the string of numbers received;

wherein the code includes instructions regarding blocking the selective transfer of the location information; and transmitting the selective location information of the wireless calling party to the called party.

The examiner puts forth several different pieces of prior art which teach preventing the location of the calling party from being disclosed:

- a. Johansson teaches location security (abstract)
- b. Walsh teaches a location privacy manager (Abstract)
- c. Zellner #1 or #2 teach two different manners in which location blocking services prohibits the user's location from being transmitted to others (Abstract) -- See patents 7,085,555 or 6,675,017.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that a code is sent that activates location blocking, to provide privacy to the calling party.

As per **claim 18**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include preventing disclosing the location information.

Johansson and Walsh and (Zeller #1 or #2) teach interaction between the mobile user and network whereby a signal/code is required to be transferred (or setup in a profile) to prevent location disclosure.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that the location is not sent, to provide privacy to the calling unit.

As per **claims 19 and 38**, Alperovich teaches claim 18, **but is silent on** further comprising forwarding the telephone call to the called party without disclosing the location information of the wireless calling party.

Johansson and Walsh and (Zeller #1 or #2) teach prohibiting the location data from being sent to the remote party.

With further regard to claim 38, none of the references teach the network being required to store the user's location data. Alperovich may store the location since it determines it and sends it to the called party.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the call is sent without location information, to provide privacy to the calling party.

As per **claim 22**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include replacing the location information with an address information.

The examiner takes official notice that it is known in the art that a triangulated (or GPS) location can be converted into an address.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that an address is sent, to provide user friendly address information to the called party (eg. for e911).

As per **claim 25**, Alperovich teaches claim 22, **but is silent on** further comprising forwarding the telephone call to the called party with the address information.

The examiner takes Official Notice that the address would replace LAT/LONG coordinates for more user friendly location determination (eg. during an emergency).

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the call is sent with address info, to provide user friendly location information to the called party.

As per **claims 26 and 33**, Alperovich teaches claim 17/32, wherein said location information is received with the string of numbers from the wireless calling party (Alperovich teaches sending the calling party's location which may also include Caller-ID, eg. the caller's phone number).

As per **claim 27**, Alperovich teaches claim 17, **but is silent on** wherein said string of numbers include the code followed by the called party's telephone number.

The examiner notes that it is a design choice as to how the "signal/code" is transmitted from the mobile to prohibit location determination. Hence one skilled understands that it would use a code transmitted along with the user's phone number to setup which phone prefers to block locationing.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the code is included with the dialed number, to provide means for transmitting the location block signal to the network.

As per **claims 28-31, 34, 36**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include blocking the transmission of calling number identification of the wireless calling party.

Walsh teaches blocking both calling party's identity and location.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the instructions block the caller-ID, to provide privacy to the calling party.

As per **claims 35 and 37**, Alperovich teaches 34/32, **but is silent on** further comprising of blocking the transmission of the calling number identification of the wireless calling party to the network.

Zellner teaches blocking the caller's identity to the called party and/or network Caller-ID blocking (C8, L60-65).

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that caller-ID is blocked to the network, to provide means for complete caller anonymity.

As per **claim 39**, Alperovich teaches claim 32, further comprising storing the location information of the wireless calling party in a secured server (Alperovich determines the calling party's location and hence must store it in buffers/registers for a time. Since these buffers/registers are contained in the network, they are not readily accessible by users and are broadly interpreted as "secure").

Claims 6-7, 9-10, 20-21, 23-24, 42-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich and further in view of Johansson et al. US 6,442,391 and Walsh US 6,662,014 and (Zellner et al. #1 US 6,675,017 or Zellner et al. #2 US 7,085,555) and Pirila US 6,674,860.

As per **claims 6-7**, Alperovich teaches claim 1, **but is silent on** wherein the service information instructions include disclosing less specific data of the location information.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that less specific location data is displayed, to provide privacy to the calling party.

As per **claims 9-10**, Alperovich teaches claim 8, **but is silent on** wherein the address information is different from the location information of the wireless calling party AND established by the calling party.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combon, such that the address is different and defined by the user, to provide privacy to the calling party.

As per **claims 20-21**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include disclosing a less specific data of the location information AND further comprising forwarding the telephone call to the called party with the less specific data of the location information.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that less specific information is sent, to provide privacy to the calling unit.

As per **claims 23-24**, Alperovich teaches claim 22, **but is silent on** wherein the address information is different location information of the wireless calling party AND wherein the address information is established by the wireless calling party.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the address is different and defined by the user, to provide means for calling party privacy.

As per **claim 42-43**, Alperovich teaches 42 **but is silent on** wherein the service information includes instructions to alter the location information of the wireless calling party AND wherein the service information includes instructions to send less specific data of the location information of the wireless calling party.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that less specific location data is sent, to provide privacy to the calling party.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER

[Handwritten signature]
1-31-07